

AK-16-001-0599

**Congress of the United States**  
Washington, DC 20510

July 26, 2016

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator McCarthy,

We're writing to alert you to our serious concerns with a problematic public health proposal in Florida that will soon be sent to the Environmental Protection Agency (EPA) for approval.

Florida residents and tourists visit the state's numerous lakes and rivers to fish, boat, and swim. Our waterways are our way of life in Florida. That's why it is critically important that we ensure Florida's water quality standards preserve the health and safety of all users, especially vulnerable populations like children, the elderly, and people whose livelihoods rely on the water, such as commercial fishermen.

In May, the Florida Department of Environmental Protection (DEP) initiated rulemaking to set new human health criteria regulations for 39 chemicals and to adjust the standards for 43 chemicals currently regulated by the state. The Florida Environmental Regulation Commission approved these standards today by a 3-2 vote.

While we support efforts to update the standards that were last approved in 1992, we are deeply concerned that the state is proposing to raise the allowable levels for dozens of chemicals, including more than half of the most dangerous cancer-causing chemicals in the proposal. In several instances, these proposed levels exceed EPA's recommendations.

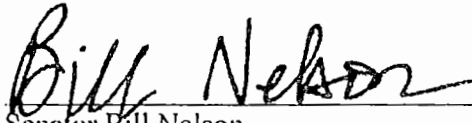
In addition, there has not been sufficient opportunity for the public to review and comment on this highly technical proposal, despite the potentially serious consequences of setting inadequate standards.

Further, we are concerned that certain perspectives may not be fully represented in the state's proposal because two positions on the Florida Environmental Commission are currently vacant. Of note, the environmental seat and the local government seat are not filled and have been unoccupied for over a year.

We urge you to provide a more appropriate public comment period for the proposal and to carefully evaluate each proposed human health criteria to ensure the utmost protection for our population, environment, and economy.

Thank you for your attention to this serious matter.

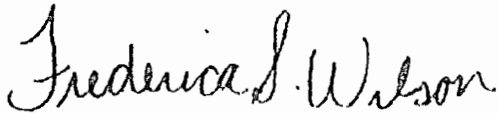
Sincerely,



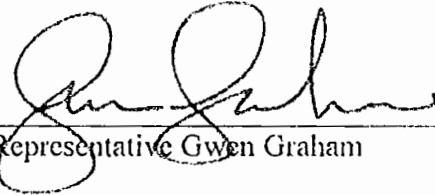
Senator Bill Nelson



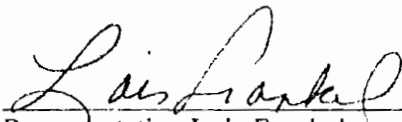
Representative Ted Deutch



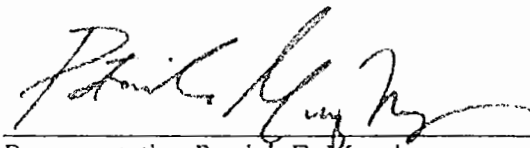
Representative Frederica S. Wilson



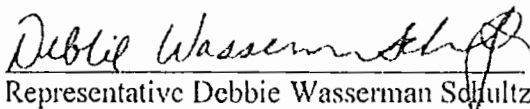
Representative Gwen Graham



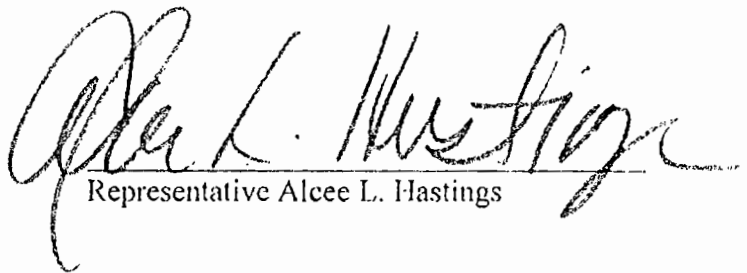
Representative Lois Frankel



Representative Patrick E. Murphy



Representative Debbie Wasserman Schultz



Representative Alcee L. Hastings



Representative Alan Grayson



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**AUG 24 2016**

The Honorable Bill Nelson  
United States Senate  
Washington, D.C. 20510

Dear Senator Nelson:

Thank you for your July 26, 2016, letter to Administrator Gina McCarthy concerning water quality standards recently adopted by the Florida Environmental Regulatory Commission. As the Environmental Protection Agency Office responsible for review of Florida's water quality standards, your letter was forwarded to the Region 4 office in Atlanta, Georgia, for response.

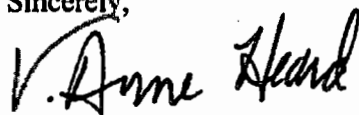
We recognize the critical importance of Florida waterways to the State's residents and visitors, and the importance of having scientifically defensible water quality standards to protect water quality. The Florida Department of Environmental Protection (FDEP) has been working to revise their water quality standards to protect human health in accordance with the Clean Water Act (CWA) for a number of years. We have periodically responded to requests for technical assistance for example, to provide additional information regarding new chemicals for which no criteria had been previously established. At this time, FDEP has not submitted final water quality standards for the EPA to review. Once a final package is submitted we will review all changes to determine if the revisions are consistent with the CWA and EPA's implementing regulations. As part of this process the EPA will review the State's technical documentation, including the level of protection afforded to all users and to vulnerable populations.

With regard to your request that the EPA provide an opportunity for further public comment on the rule, the EPA review process, outlined in our regulations, does not contemplate a second public comment period. Instead, our regulations require that the state submit, as part of the package for our review, its response to the public comments received on the proposed rule. We will evaluate the comments and FDEP's responses, and we will assess the effectiveness of Florida's public participation process, which has traditionally been comprehensive and effective in providing the public with information and opportunity to comment on rulemakings. The agency is receiving many statements and phone calls regarding the State's rules and we will be considering those as we proceed with our review.

As a part of the agency's review and decision-making process, the EPA will develop a document explaining the rationale for our final decision to either approve or disapprove the standards, and we will consider the public comments we have received as we reach our decision. Our decision and the supporting document will be made available to the public and I will ensure your office is notified of our decision in a timely manner.

I want to assure you that we fully appreciate the importance of this matter and the level of public interest from many parties in Florida. If you have questions or need additional information from the EPA, please contact me or Allison Wise, in the Region 4 Office of Governmental Relations, at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Anne Heard". The signature is fluid and cursive, with the first name "V. Anne" and the last name "Heard" clearly distinguishable.

V. Anne Heard  
Acting Regional Administrator